



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Minutes
Wednesday, May 23, 2018
BOH Conference Room – Mural Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer; Padraig Martin, Lead Health Compliance Officer; Sarah Yiu, Public Health Associate

Others in Attendance: Nick Perhanidis, Dora Horvath, Maria Peralta, Nate Gallaher

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

Accept April 11, 2018 Meeting Minutes

A motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to accept the April 11, 2018 meeting minutes as amended.

Vote: 3-0 in favor of the motion (Unanimous)

Hearing: Keeping of Hens - 73 Thorndike Street

Inspector Kylee Sullivan informed the Board that on April 5, 2018, the Health Department received a Keeping of Hens Site Plan Review Application from Ms. Maria Peralta of 73 Thorndike Street. She reported a site walk was conducted by herself and Public Health Associate Sarah Yiu on May 9, 2018. The site walk verified that the proposed location of the coop does not violate the six feet minimum distance from all property lines as stated in the Bylaws. Inspector Sullivan reported all abutters were notified via certified mail, by the applicant, of her intent to keep hens, as well as to information regarding the hearing. Inspector Sullivan reported the submitted application was in compliance with the town's Bylaws.

Ms. Maria Peralta was in attendance at the meeting and reported she would like to keep hens as pets and for eggs. In response to questions from the Board, Ms. Peralta stated they will be building the coop themselves,

and provided plans with the application. She stated she has not had any luck finding a hen keeping instructional course, but has extensive experience with birds. She stated she is not opposed to taking a hen keeping course. She reported that her yard is not fenced in, and it is her intent to keep the hens in the coop 100% of the time. If at a later date she should decide to let the hens "roam free in her yard" she is aware it would only be possible if she fully enclosed the yard with a fence, and only under supervision. It is her intent to keep 4 hens, and she is aware that 6 hens is the maximum allowed.

Dr. Walsh Condon opened the discussion to members of the public in attendance.

Mr. Nick Perhandidis addressed the Board and expressed his opposition to hens being allowed at this property. He stated he is a next door neighbor, and reported the properties in this neighborhood are very close together, and they have very tiny yards. He expressed concern of the smell, noise, and wake up calls from roosters. He reported previous disputes with the neighbors regarding other property matters. He reported the hens will get loose and dig under or get through fences.

Ms. Dora Horvath also addressed the Board and provided a picture of the yard with flags indicating the location of the proposed coop. Ms. Horvath reported the following concerns:

- She has sensitivities to odors and is concerned about the close proximity of the coop to her property. She believes she would be forced to close windows and not enjoy time in her yard, especially during summer months with heat and humidity.
- As an owner of a 2-family home, she expressed concern over the ability to rent to tenants in the future with a chicken coop next door.
- She inquired if hens will attract other predators such as foxes, coyotes, raccoons, and rats, and inquired about the location of the feeders.
- She reported she plans on getting a dog and expressed concern if the dog will be digging at fences or disturb others by barking or trying to get at the hens.

Inspector Sullivan reported two inspections from the Town take place annually: one in the Spring by the Health Department and one in the Fall by the Animal Control Officer. She further addressed the maintenance plan submitted by the applicant and reported daily, weekly, monthly, and seasonal maintenance plans were addressed. Upon inquiry, Inspector Sullivan reported that due to the extensive application process and Bylaws, the Health Department has not received any complaints regarding odors at any of the other 11 properties in town that are permitted to keep hens. It was reported that roosters are not allowed per the Bylaws, that the zoning requirements set forth in the town Bylaws have been met, and that the proposed plans in the application are in compliance.

Dr. Fallon addressed concerns regarding animal predators, and stated that upon review of the plans, he does not see that as problematic, as the coop will be completely enclosed.

Dr. Walsh Condon thanked all speakers and stated the Board takes seriously all comments during consideration. She further stated, that if the permit is approved, neighbors have the right to contact the Health Department if violations occur. She reported all permits have to be renewed annually.

A motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg, to approve the application for keeping of hens at 73 Thorndike Street, conditional upon the applicant attending an approved hen keeping instructional course, and the final site inspection.

Vote: Motion Approved 3-0 (Unanimously)

(Brief Recess)

Hearing: Housing Code Violations - 18 Belknap Street Unit #3

Inspector Kylee Sullivan reported that on March 21, 2018, she, and Inspector Padraig Martin, conducted a housing inspection of 18 Belknap Street Unit #3, and associated common areas at the request of the occupant. She reported 22 violations of the State Sanitary Code were observed. An order letter dated April 5, 2018 was sent to the owner. The owner of the property, Mr. Anthony Caliendo, sent a letter to the Health Department that was received on April 18, 2018 requesting a hearing with the Board of Health.

In lieu of appearing at the hearing, Mr. Caliendo submitted a letter, which was read into the record by Inspector Sullivan. Copy of letter is attached.

Inspector Sullivan reported that the occupant has moved out of the unit, but it has been reported that only one of the 22 violations has been corrected.

Director Waden informed the Board of options referenced in *105 CMR 410. 853* and *854* of the State Sanitary Code including: sustaining, modifying, or withdrawing the order letter dated April 5, 2018.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon, to sustain the order letter dated April 5, 2018 to Mr. Anthony Caliendo, and authorized the Health Department to proceed with the enforcement of having all violations of the State Sanitary Code corrected in the referenced time frame, or take necessary action to bring the unit into compliance per the State Sanitary Code.

Vote: Motion Approved 3-0 (Unanimously)

Hearing: Dumpster Regulations

Inspector Kylee Sullivan provided the Board with an updated version of the recommended Dumpster Regulations. She reported previous recommendations from the Board, and comments from Ms. Charlotte Milan, the town's Recycling Coordinator, have been incorporated.

A Motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg, to approve the dumpster regulations as modified.

Vote: Motion Approved 3-0 (Unanimously)

An original copy of the Regulations was presented to the Board for signatures.

Discussion: Draft Marijuana Regulations

Director Waden informed the Board that she has attended 2 seminars in the last 2 weeks, and has had discussions with Town Counsel, Doug Heim, regarding Marijuana Regulations. She informed the Board that Town Meeting voted to extend the Moratorium from June 30th to December 31st. She reported the Cannabis Control Commission has started accepting applications for adult use marijuana establishments, but 3 Community requirements are needed prior to them receiving an application. These requirements are:

- A Host Agreement with Town/Community;
- Holding a Community Outreach Meeting; and
- Compliance with Zoning Bylaws

Director Waden believes it would be appropriate to take a step back and review all the information coming in from a variety of groups (State, Local, Cannabis Control Commission, etc). Mr. Kenneth Kohlberg agreed, and inquired if the Board of Health should consider contracting with a consultant or seek advise from other parties (such as: John Sheft, Cheryl Sbarra, or other individual/group) who are working on and closely following/monitoring this fluid situation.

Environmental Updates

Inspector Padraig Martin welcomed and introduced Ms. Sarah Yiu, Arlington Public Health Associate, studying at Northeastern University.

Inspector Martin informed the Board that the Health Department is busy conducting pool inspections for the season.

Environmental Health Services (EHS) treated a median strip in Arlington Center with dry ice for Rodent Control, and the Department of Public Works will be removing plants and bushes from that strip, to eliminate burrowing/harborage areas.

Health Department Staff worked at the May 12, 2018 Community Collection Day, and collected medical sharps for disposal. Inspector Martin informed the Board that an individual left an opened sharps container in a public trash receptical at Magnolia Field and Police were called to remove. The Health Department collected these needles for disposal, and provided additional information on social media about proper disposal methods.

Inspector Sullivan informed the Board that a hearing in Eastern Housing Court is scheduled for Friday, June 1, 2018 regarding a condemned property in Town. She also informed the Board that one of the properties the Health Department has been working with the Attorney General's Office has been granted by a receiver by Eastern Housing Court.

Inspector Sullivan reported that the variance applicant for a Body Art Apprentice Permit at Ink Jam Tattoo Studio has successfully completed the Anatomy and Physiology Course required for permitting.

Restaurant Updates

Inspector Padraig Martin reported:

- A new application has been received and permit issued for the Local Fare (Granola Safe); and Namakiss and Baked Goods will be leaving the Local Fare at the end of the month.
- Shanghi Village Restaurant had a fire in the hood system, resulting in extensive damage including possible structural damage. Shanghi Village is currently closed.

Public Health Nurse Updates

Director Waden informed the Board that the Health Department is once again gearing up for flu season, and is working on regional activities to recruit volunteers to the Medical Reserve Corp (MRC) Program.

Public Comment

None

Meeting was adjourned at 6:57 pm.